

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEMAR MATTHEWS,

Plaintiff,

v.

NORIEGA, et al.,

Defendants.

Case No.: 3:24-cv-00014-MMD-CSD

ORDER

(ECF No. 1)

On January 8, 2024, pro se plaintiff Jemar Matthews, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Upon review, the Court notes that Plaintiff did not sign the complaint. Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not sign the application, the financial certificate is not complete, and Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application.** The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by March 18, 2024.**

I. DISCUSSION

A. Plaintiff must file a signed amended complaint.

"A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. A plaintiff who is not represented by counsel must personally sign his or her complaint. *Id.* at 11(a). The Court cannot consider the complaint that Plaintiff submitted because Plaintiff did not sign it. The Court grants Plaintiff a **one-time extension** to file a signed amended complaint with the Court.

Filing a mere signature page will not be sufficient. Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims,

1 defendants, and factual allegations that Plaintiff wishes to pursue in this action. Plaintiff
 2 should use this Court's approved prisoner civil rights form, and it must be titled "First
 3 Amended Complaint."

4 **B. Plaintiff must properly apply for pauper status or pay the full filing fee.**

5 The United States District Court for the District of Nevada must collect filing fees
 6 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
 7 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
 8 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the
 9 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev.
 10 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
 11 must submit **all three** of the following documents to the Court: (1) a completed
 12 **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the
 13 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
 14 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
 15 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
 16 **inmate's prison or jail trust fund account statement for the previous six-month**
 17 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 18 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 19 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

20 As explained above, Plaintiff's application to proceed *in forma pauperis* is
 21 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
 22 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
 23 fee or file a new fully complete application to proceed *in forma pauperis* with all three
 24 required documents.

25 **II. CONCLUSION**

26 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1-
 27 1) is denied without prejudice.

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1 It is further ordered that Plaintiff has **until March 18, 2024**, to either pay the full
2 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
3 all three required documents: (1) a completed application with the inmate's two signatures
4 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
5 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
6 previous six-month period.

7 It is further ordered that Plaintiff has **until March 18, 2024**, to file a signed
8 amended complaint. If Plaintiff chooses to file an amended complaint, Plaintiff should use
9 this Court's approved prisoner civil rights form, and it must be titled "First Amended
10 Complaint."

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
13 to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is directed to send Plaintiff Jemar Matthews the approved
16 form for filing a § 1983 complaint and instructions for the same, the approved form
17 application to proceed *in forma pauperis* for an inmate and instructions for the same, and
18 a copy of the original complaint (ECF No. 1-1); and to retain the complaint but not file it
19 at this time.

20 DATED THIS 17th day of January 2024.

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24 UNITED STATES MAGISTRATE JUDGE